

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: WEAVER et al.

Confirmation No.: 6518

Application No.: 10/665,431

Group Art Unit: 3733

Filed: September 22, 2003

Examiner: James L. Swiger III

For: BONE PLATING SYSTEM

Attorney Docket No.: 8932-807-999

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The fee for processing the attached Terminal Disclaimer is believed to be \$130.00. Please charge the required fee to Jones Day Deposit Account No. 50-3013. A copy of this sheet is attached for accounting purposes.

Respectfully submitted,

Date: March 5, 2007

*Thomas P. Scully*

Thomas P. Scully (Reg. No. 45,086)  
For: Brian M. Poissant (Reg. No. 28, 462)  
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Enclosures

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TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

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PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

SYNTHES (U.S.A.) is the assignee of the entire right, title and interest in and to U.S. Patent No. 7,128,744 B2 ("the '744 Patent") by virtue of an assignment from the inventors Paul C. Weaver, Jeff W. Mast, Keith A. Mayo, Brett R. Bolhofner, and David Little to SYNTHES (USA) that was recorded on December 14, 2000 at Reel 011364, Frame 0057.

SYNTHES (U.S.A.) is also the assignee of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/665,431) by virtue of the same assignment.

SYNTHES (U.S.A.) hereby disclaims the terminal part of any patent granted on the above-identified patent application that would extend beyond the expiration date of the '744 Patent, and hereby agrees that any patent granted on the above-identified patent application shall be enforceable only for and during such period that said patent is commonly owned with the '744 Patent.

SYNTHES (U.S.A.) further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

SYNTHES (U.S.A.) does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration dates of the full statutory term of the '744 Patent in the event that the '744 Patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or

terminally disclaimed under 37 C.F.R. 1.321(a) or (b), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

This Terminal Disclaimer is submitted on behalf of Petitioner pursuant to 37 C.F.R. 1.321(b)(1)(iv).

Respectfully submitted,

Date: March 5, 2007

*Thomas P. Scully*  
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